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5

6 Attorneys for Plaintiff

7 ROYA SAGHAFI

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT
10

11 ROYA SAGHAFI, an individual,
12 Plaintiff,

Case No.: BC708497
Assigned to: Ruth Ann Kwan
Dept: 72

13 vs.

14 PALISADES CHARTER HIGH
SCHOOL, a corporation; AMY NGUYEN,
15 an individual; and DOES 1 through
10 Defendants.
16
17
18

**PLAINTIFF'S MOTION IN LIMINE NO. 2
TO EXCLUDE EVIDENCE AND
TESTIMONY OF ANY PERSON NOT
IDENTIFIED OR DISCLOSED BY
DEFENDANTS**

19 PLEASE TAKE NOTICE that on August 9, 2019, at 8:30 a.m., in Department 72 of the
20 above-referenced court plaintiff ROYA SAGHAFI will move the court *in limine* for an order
21 precluding defendants, their counsel, and any of their witnesses from introducing any evidence of,
22 or testimony of persons not identified by Defendants, and particularly that of minors.

23 This motion is made pursuant to *Evidence Code* section 350, 352, 787, and 1101 as such
24 evidence is irrelevant, highly improper, prejudicial to plaintiff, confusing to the jury, and is
25 inadmissible character evidence under *Evidence Code* Section 1106 (a), is irrelevant, and would
26 severely prejudice plaintiff.
27
28

EXHIBIT 1

Ann A. Hull

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July 11, 2019

Sent by US Mail & Email to: Theresa.marchlewski@jacksonlewis.com &
ellen.cohen@jacksonlewi.com & jade.brewster@jacksonlewis.com

Theresa Marchlewski

Ellen E. Cohen

JACKSON LEWIS P.C.

725 South Figueroa Street, Suite 2500

Los Angeles, CA 90017

CASE NO.: BC708497

CASE NAME: Roya Saghafi v. Palisades Charter High School

RE: Request To Meet and Confer on Plaintiff's Intent to File
Motions in Limine

Dear Ms. Marchlewski, Ms. Cohen, and Ms. Brewster:

Plaintiff anticipates that it will file motions *in limine* and a 402/403 motion based on the following: (1) Exclude any evidence of other lawsuit filed by Plaintiff based on relevancy, and Evidence Code section 352; (2) Exclude testimony of any person (including but not limited to minor children and parents) not identified by Defendants; (3) Exclude evidence or examples of deficient work performance of Plaintiff based on relevancy, and Evidence Code section 35; and, (4) Exclude evidence of parent and/or student complaints about Plaintiff based on relevancy, and Evidence Code section 35.

Sincerely,

LAW OFFICES OF ANN A. HULL, INC.



Ann A. Hull

PROOF OF SERVICE

I am a resident of the State of California over the age of eighteen year, and not a party to the within action. My business address is: LAW OFFICES OF ANN A. HULL, INC., 21900 Burbank Blvd., 3rd Floor, Woodland Hills, California 91367. On **July 15, 2019**, I served the within documents:

PLAINTIFF'S MOTION IN LIMINE NO. 2 TO EXCLUDE EVIDENCE AND WITNESSES NOT IDENTIFIED OR DISCLOSED BY DEFENDANTS

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Woodland Hills, addressed as set forth below.

Theresa M. Marchlewski
Ellen E. Cohen
JACKSON LEWIS P.C.
725 South Figueroa Street, Suite 2500
Los Angeles, CA. 90017-5408
Fax: (213) 698-0430
Theresa.marchlewski@jacksonlewis.com
Ellen.cohen@jacksonlewis.com

Attorneys for Defendants

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **July 15, 2019** at Woodland Hills, California.



Ann Hull

I.

FACTUAL SUMMARY

In the days leading to this motion, Defendants' employees testified to the existence of documents directly relevant to Plaintiff's claims, and which were responsive Plaintiff's discovery, but were not produced. Defendants also refused to identify people who were witnesses to relevant events. Such conduct is contrary to the principles of fair play and justice. Plaintiff seeks to exclude all persons not identified in discovery, and evidence that was responsive to Plaintiff's discovery, that was not produced.

II.

**THIS COURT MAY PROPERLY EXCLUDE
EVIDENCE UPON A MOTION IN LIMINE**

Code of Civil Procedure § 128 (a)(3) provides that every court shall have the power to provide for orderly conduct of proceedings before it. Although not expressly authorized by statute, a motion in limine is recognized in decisions as a proper request which the trial court has inherent power to entertain and grant. (see, Clements v. American Warranty Corporation (1987) 193 Cal.App3d 444, 451). The scope of such a motion is the exclusion of any kind of evidence which could be objected to at trial. Id., 3 Witkin California Evidence Section 2011 (3rd ed. 1986).

III

**THE INTERESTS OF JUSTICE AND FAIR PLAY ARE NOT SERVED BY
HIDING POTENTIAL**

Defendants are both a school and an employer. They have contact information and documents that were responsive to Plaintiff's written discovery, and which has not been produced. Plaintiff has been prejudiced by Defendants' conduct. Based on *Evidence Code* Section 350, 352, 787, and 1101, plaintiff respectfully requests that the court preclude defendants from introducing any evidence of, or mentioning at any phase of trial other lawsuits filed by the Plaintiff.

DATE: July 15, 2019.

SIGNED: 

Ann A. Hull, Esq.

LAW OFFICES OF ANN A. HULL, INC.

Attorney for Plaintiff

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2 **DECLARATION OF ANN A. HULL**

3 I, Ann A. Hull, Esq., declare as follows:

4 1. I am an attorney and am counsel of record for plaintiffs in the above-referenced
5 matter. I am admitted to practice before all courts of the State of California. If called as a
6 witness in the above-referenced matter I could and would competently and truthfully testify
7 thereto.

8 2. This Declaration is made in support of plaintiff's Motion in Limine to preclude
9 defendants, from introducing witnesses and evidence not produced in discovery.

10 3. Plaintiff makes the instant motion because it is obvious from defendant's deposition
11 inquiry and allegation made by the defense during the course of discovery that they intend to
12 conduct a character assassination as their primary defense to plaintiff's claims.

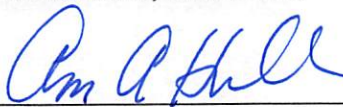
13 4. Shortly before the filing of this motion, during deposition whose transcripts have yet
14 to be prepared, including but not limited to the depositions of Kevin Kung, Dr. Lee, Amy
15 Nguyen, Dr. Magee, and Russell Howard, references were made to documents that were
16 responsive to discovery, and to witnesses, who have not been produced or identified such that a
subpoena could be issued.

17 5. On July 11, 2019, I prepared a letter in which I requested to meet and confer about the
18 subject matter of this motion, a copy of which is attached as Exhibit "1."

19 6. Because Defendants have not agreed to stipulate to not mentioning Plaintiff's prior
20 felony conviction, the instant motion has become necessary.

21 I declare under penalty of perjury that the foregoing is true and correct, and if called
22 upon to testify to the above I competently and truthfully do so.

23 Executed this 15th day of July, 2019, at Woodland Hills, California.

24 
25 ANN A. HULL